



## State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
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JON S. CORZINE  
*Governor*

DAVID J. SOCOLOW  
*Commissioner*

### MEMORANDUM

September 18, 2006

To: All Judges and Attorneys

From: Peter J. Calderone, Director and Chief Judge

Subject: Administrative Rule on the Non-Duplication of Benefits Under the Temporary Disability Benefits Law and the Workers' Compensation Act

The New Jersey Register published the final adoption by the Department of Labor and Workforce Development of the above administrative rule on September 18, 2006. The rule is, therefore, in effect as N.J.A.C. 12:235-3.16. The full text of the adopted rule can be found under the Legal Resources section of the Workers' Compensation website under WC Rules.

I note that additional language was added following the public hearing on the rule to emphasize that the workers' compensation judge determines any contested issue with respect to temporary disability benefits under the workers' compensation statute. An unresolved issue concerning a lien or reimbursement required under the separate Temporary Disability Benefits Law would not be determined in the workers' compensation action. Rather such lien issue would be heard under the process set forth in the adopted rule.

It has been a helpful practice to resolve whenever possible a lien issue by conferencing such issue with the judge and parties present in the judge's chambers and the Division of Temporary Disability representative available on speaker phone. This informal mechanism has been found to be useful in the vast majority of lien matters.

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